

NO. CR51328

THE STATE OF TEXAS	*	IN THE DISTRICT COURT
	*	
V.	*	238th JUDICIAL DISTRICT
	*	
SEBASTIAN ALEXANDER ZAPATA	*	MIDLAND COUNTY, TEXAS

**JUDGMENT OF CONVICTION AND
GRANTING COMMUNITY SUPERVISION**

Judge Presiding:	THE HONORABLE RODNEY W. SATTERWHITE
Date sentence suspended:	The 22nd day of March, 2019
Date Judgment signed:	The 22nd day of March, 2019
Defendant's State Id #:	TX17302120
Defendant's Birth date:	8/27/1995

Attorney for State:	LACEY HOLLOMAN
Attorney for Defendant:	ALVARO MARTINEZ
Presiding Juror:	CRYSTALE GALINDO

Offense Convicted:	ONLINE SOLICITATION OF A MINOR UNDER 14
DPS Offense Code:	64080003
Degree Offense:	Felony - 2nd Degree
Penal Code:	§PC 33.021(f)
TRN / TRS:	9255461982/ A001

Date Offense Committed:	The 16th day of February, 2018
Date Trial Began:	The 20th day of March, 2019

Charging Instrument:	Indictment/Information
Plea of Defendant:	Not Guilty
Plea Made Before:	Jury

Verdict of the Jury: Guilty TO THE OFFENSE OF ONLINE SOLICITATION OF A MINOR UNDER 14
Presiding Juror: CRYSTALE GALINDO

Findings on Use of Deadly Weapon: N/A

Punishment Assessed by: The Jury

Punishment: TEN (10) YEARS in the Institutional Division of the Texas Department of Criminal Justice suspended on community supervision for a period of FIVE (5) YEARS and a fine in the amount of \$10,000.00.

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**JUDGMENT OF CONVICTION AND
GRANTING COMMUNITY SUPERVISION**

On the 20th day of March, 2019, the above numbered and entitled cause was regularly reached and called for trial when came the State of Texas by her District Attorney and the Defendant in person and by the Defendant's Attorney and both parties announced ready for trial. Thereupon the Defendant in open court pleaded Not Guilty to the charge contained in the indictment or information before the Jury. Having heard the defendant entered a plea of Not Guilty thereto, and after hearing all of the evidence adduced by the State and the Defendant and after hearing the argument of counsel, the Jury was of the opinion and so finds beyond a reasonable doubt that the said defendant is guilty of the offense of **ONLINE SOLICITATION OF A MINOR UNDER 14** as charged in the indictment or information and that the said defendant committed the said offense on the 16th day of February, 2018.

The Jury then heard all of the evidence adduced by the State and the Defendant on the issue of punishment and after considering the said evidence and the argument of counsel, the Jury finds that the punishment of the Defendant should be fixed at TEN (10) YEARS YEARS in the Institutional Division of the Texas Department of Criminal Justice and a fine in the amount of \$10,000.00.

IT IS THEREFORE, CONSIDERED, ORDERED, ADJUDGED, AND DECREED that the said Defendant, SEBASTIAN ALEXANDER ZAPATA, is guilty of the felony offense of **ONLINE SOLICITATION OF A MINOR UNDER 14** and that the Defendant committed the said offense on the 16th day of February, 2018, and that the punishment of the said Defendant is fixed, as found by the Jury, at confinement in the Institutional Division of the Texas Department of Criminal Justice for **TEN (10) YEARS** and a fine in the amount of **\$10,000.00** and that the State of Texas do have and recover of and from the said Defendant all costs in this proceeding incurred for which let execution issue.

IT IS THE ORDER OF THE COURT that the defendant pay the restitution and/or reparation as stated on the first page of the judgment.

IT IS THE FURTHER ORDER OF THE COURT that the Court affirmatively finds as found by the Jury

WHEREAS the Jury found that the defendant was eligible for community

supervision and recommended that the imposition of sentence be suspended and that the defendant be placed on community supervision.

IT IS THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED in open court on the **22nd day of March, 2019** that the imposition of sentence in this cause be and the same is, hereby, suspended during the good behavior of the defendant and that the defendant be and is, hereby, placed on community supervision for a period of **FIVE (5) YEARS** under the supervision of the Court and the Midland County Community Supervision and Corrections Department subject to the following terms and conditions of community supervision, *viz.*, **during the term of community supervision, the defendant shall:**

1. Obey all rules and regulations of the Midland County Community Supervision and Corrections Department;
2. Commit no offense against the laws of this State or any other State or of the United States;
3. Avoid injurious or vicious behavior including the use of alcohol and illegal drugs; the defendant shall not consume alcoholic beverages of any kind; the illegal use of controlled substances is prohibited;
4. Avoid persons or places of disreputable or harmful character;
5. Report to the Community Supervision Officer in person two times each month at the Office of the Midland County Community Supervision and Corrections Department on the day and at the time specified by the Community Supervision Officer and obey all the rules and regulations of the Community Corrections and Supervision Department;
6. Permit the Community Supervision Officer to visit the defendant in defendant's home and elsewhere;
7. Work faithfully at suitable employment as far as possible;
8. Remain within Midland County, Texas;
9. Support all the defendant's dependents;
10. Report each change of Defendant's address and change of Defendant's employment to the Community Supervision Officer within three work days;
11. Submit to testing for drugs and alcohol as the Community Supervision Officer may direct, and pay for the same;
12. Submit to an evaluation for drugs and alcohol as the Community Supervision

Officer may direct, and pay for the same;

13. Participate in a drug or alcohol rehabilitation program as the Community Supervision Officer may direct according to the schedule directed by the Community Supervision Officer, and pay for the same;
14. Submit to psychological evaluation or examination as the Community Supervision Officer may direct, and pay for the same;
15. Obtain psychological counseling as the Community Supervision Officer may direct according to the schedule directed by the Community Supervision Officer, and pay for the same;
16. Attend and successfully complete the TAIP program as directed by the Community Supervision Officer according to the schedule directed by the Community Supervision Officer, and pay for the same;
17. Attend and successfully complete the Midland CSCD Cognitive Behavioral Treatment Program as directed by the Community Supervision Officer according to the schedule directed by the Community Supervision Officer, and pay for the same.
18. The Defendant shall provide one or more DNA samples to the Community Supervision Officer as directed by the Community Supervision Officer;
19. Serve , FOURTEEN (14) DAYS in the Midland County Jail as a condition of community supervision without credit for pretrial confinement or pre-revocation of community supervision confinement AND without credit for good conduct;
20. Perform a total of 0 of community service for a community service organization or project as designated by the Community Supervision Officer at such times and places as directed by the Community Supervision Officer, but in no event shall the defendant perform less than 10 hours of community service a month until the community service is completed unless otherwise authorized by the Court in writing;
21. Pay the fine assessed, if any;
22. Pay to the Midland County Community Supervision and Corrections Department an administrative fee of \$60.00 each month, (hereinafter referred to as "Supervision Fee") on or before the third Monday of each month beginning on the third Monday of the month following the signing of this order or the defendant's release from confinement and continuing until the community supervision is terminated;
23. Demonstrate to the Court whether the defendant has an educational skill level

equal to or greater than the average skill level of students who have completed the sixth grade in public schools of the State of Texas, and if the defendant has not attained that skill level, the defendant shall attain the said level of educational skill within 24 months of the date of this order at the defendant's own expense;

24. Participate in and complete any classes as directed by the Community Supervision Officer including all classes, assignments, evaluations and testing according to the schedule directed by the Community Supervision Officer;
25. Pay restitution and/or reparation as stated on the first page of the judgment or as previously ordered;
26. Pay all costs of prosecution and court costs and fees authorized by law including costs of court appointed attorney, costs of extradition or arrest, costs of collection and/or processing checks, costs of testing for drugs or alcohol, costs of video recording, costs of a DNA sample, and an assessment for Crime Stoppers and Comprehensive Rehabilitation Fund, as certified by the District Clerk in the bill of costs and/or as stated in the judgment;
27. Perform all field sobriety tests and provide a specimen or specimens of breath or blood for analysis of content of alcohol or drugs upon request by any law enforcement or Community Supervision Officer;

PROBATION TERMS & CONDITIONS

As special terms and conditions of community supervision in addition to the conditions of community supervision heretofore ordered, IT IS THE ORDER OF THE COURT that the defendant shall:

1. Report to the Supervision Officer in person one (1) time each week at the office of the Midland County Community Supervision and Corrections Department on the day and at the time specified by the Supervision Officer, or as directed by the Supervision Officer. This special term of Community Supervision overrides any previously specified condition or term of community supervision to the contrary.
2. Participate in and successfully complete the Midland County Sexual Offender Treatment Program including diagnostic interview and testing, individual counseling, group counseling, family counseling, clinical polygraph examinations as directed by the therapist and all assignments of the said program until discharged from the said program by the program director or his official designee or the Supervision Officer in charge of your case or the Court. Abide by all rules and regulations of the program, and pay all costs of the said program.
3. Attend a Sex Offender Support Group one time a month for a period of twelve (12) months after discharge from the Midland County Sexual Offender Treatment Program.
4. Submit to polygraph examination in order to assist in facilitating sex offender treatment and to determine whether or not the defendant is in compliance with the conditions of community supervision and pay for same.

5. At the request of the Supervision Officer submit a sample of the defendant's blood at the defendant's expense to the Texas Department of Public Safety for the purpose of creating a DNA record of the defendant.
6. Attend project A.D.A.M. as directed by the Supervision Officer and pay for the same.
7. Register or verify registration with your local municipal or county law enforcement authority as a sex offender within seven (7) days of the date of signing of this order as required by the Sex Offender Registration Program; provide the law enforcement authority with such information requested or required; provide verification of his or her compliance to the Supervision Officer; and report all temporary or permanent changes of addresses to the local law enforcement authorities at the time and in the manner required by the Sex Offender Registration Program.
8. Have no contact or visitation with any child 17 years of age or younger outside the scope of your employment unless the Court approves and authorizes the contact or visitation in advance and in writing and then only under such conditions as the Court may impose.
9. Not reside in any household with any child under the age of seventeen unless the Court approves and authorizes the residency in advance and in writing and then only under such conditions as the Court may impose.
10. Not supervise or participate in any program that includes as participants or recipients persons who are 17 years of age or younger and that regularly provides athletic, civic, cultural or religious activities.
11. Not go in, or reside within, a distance of 1000 feet of premises where children commonly gather, including but not limited to, a school, day-care facility, playground, public or private youth center, public swimming pool or video arcade facility except as authorized by the Court in writing. This provision does not prohibit the defendant from attending organized religious worship services or from attending organized religious studies which do not include attendance by persons 17 years of age or younger.
12. Refrain from all contact and communication directly or indirectly, whether in person, by phone, by letter or through a third party, with the victim of your offense and with the family of the said victim unless the Court approves and authorizes the contact in advance and in writing and then only under such conditions as the Court may impose.
13. Maintain and use prescribed medications.
14. Not own, possess, obtain, borrow, view or read pornography or erotica in any form or medium or enter adult book stores, sex shops, topless bars, massage parlors, adult movie theaters and like establishments.
15. Register with the Supervision Officer all computers used, owned, leased, rented or borrowed by the defendant and all computers located or used in the defendant's residence or any vehicle used by the defendant or the defendant's spouse.
16. Not own, possess, obtain, borrow, view or read any electronic video, compact disk, computer generated material or material that is sent or received by electronic mail that is sexually oriented and/or portrays nudity of a child or an adult.
17. Not access, participate in or have any contact with the Internet, World Wide Web, or electronic mail unless such is approved by the Supervision Officer or the Court.
18. Not enter into or maintain any type agreement with any individual or entity for the purpose of obtaining access to the Internet, World Wide Web, or electronic mail unless such is approved by the Supervision Officer or the Court.

19. Permit a Supervision Officer upon request to enter the home of the defendant and any vehicle owned or used by the defendant or the defendant's spouse to determine if same contains any pornography or erotica or any sexually oriented material in any form or medium.

20. Permit a Supervision Officer to inspect the contents of any electronic video, compact disk, photograph, book or magazine located in the home of the defendant or any vehicle owned or used by the defendant or the defendant's spouse to determine if same contains pornography or erotica in any form or nudity of an adult or child or is sexually oriented.

21. Permit a Supervision Officer or his agent upon request to inspect the contents of any computer including all programs, files and electronic mail thereon on all computers used, owned, leased, rented or borrowed by the defendant and all computers located in the defendant's home or any vehicle used by the defendant or the defendant's spouse to determine if same contains pornography, erotica in any form or nudity of an adult or child or sexually oriented materials.

22. Permit a Supervision Officer or his agent upon request to inspect the contents of any computer disk located in the home of the defendant and any vehicle owned or used by the defendant or the defendant's spouse to determine if same contains pornography, erotica in any form or medium, or nudity of an adult or child or sexually oriented materials or communications with children.

23. Permit a Supervision Officer into the defendant's residence and allow a review of his/her computer and any and all computer files contained therein, including all computer disks.

24. Pay all of the reasonable and necessary costs incurred by the victim for psychological counseling for a period of one (1) year made necessary by the offense.

25. Pay the sum of \$5 per month each month during the period of community supervision to the Sexual Assault Program Fund in addition to all fees heretofore assessed.

26. Remain each day within the confines of the Defendant's residence AS DESIGNATED TO the Midland Community Supervision and Corrections Department between the hours of 9:00 P.M. and 6:00 A.M. and not depart therefrom without the permission of the Community Supervision Officer except in a case of fire or medical emergency or to work at the defendant's regular employment AS DESIGNATED TO the Midland County Community Supervision and Corrections Department for the duration of probation beginning on the 22nd day of March, 2019;

27. Wear a GPS electronic monitoring device on his or her person twenty-four hours a day and not remove the same beginning when the defendant is released from the Midland County Detention Center to monitor the defendant's whereabouts. The defendant shall wear the said GPS monitor 12 months unless otherwise directed in writing by the Court or the defendant's community supervision officer.

28. Not remove the GPS electronic monitoring device from his or her person except as authorized by the Court or the Community Supervision Officer, and the defendant shall not tamper with the GPS electronic monitoring device or abscond with the same. The defendant is admonished that damaging or destroying the GPS monitoring device constitutes the offense of criminal mischief and that absconding with the said monitoring device constitutes the offense of theft;

29. Pay the sum of \$11.00 per day to the Midland County Community Supervisions and Corrections Department towards the costs of the use of the GPS electronic monitoring device and monitoring of the defendant;

30. Apply for an original or renewed Texas Driver's License or personal identification certificate not later than 30 days after release from confinement or upon receipt of written notice from the Texas Department of Public Safety (DPS). The Court further orders Defendant to annually renew the license or certificate. The DPS shall place an indication on the Defendant's driver's license or personal identification certificate that the Defendant is subject to the sex offender registration requirements. The Court orders the Clerk of the Court to send a copy of this order to the DPS and to the Defendant. Texas Code of Criminal Procedure article 42.016.

31. Not access any electronic device including but not limited to: computers, phones, gaming devices, tablets, or any other device capable of accessing the internet without the registration and approval by the Supervision Officer or the Court

Submit to psychological evaluation or examination as the Community Supervision Officer may direct, and pay for the same;

IT IS THE ORDER OF THE COURT that all court costs, fines, fees, assessments and restitution are due and owing and shall be paid by the Defendant in full on the day the judgment and/or sentence is entered in writing against the defendant. All courts costs, fines, fees, assessments and restitution shall be paid to the Midland County Community Supervision and Corrections Department, who shall disperse the same according to the directions of the Court.

If the Defendant is unable to pay all court costs, fines, fees, assessments and restitution due and owing at the time the judgment and/or sentence is entered, the defendant shall complete and deliver to the Court designated staff person an application for extension of time to pay, together with a completed financial information questionnaire, and pay all court costs, fines, fees, assessments and restitution in accordance with a payment plan approved by the Court or his designee or, in the absence of an approved payment plan, according to the following schedule:

r EXTENDED PAYMENT PLAN ONE

- a. One-half (1/2) of the court costs shall be paid on the day the judgment and/or sentence is entered, and the remaining one-half (1/2) of the court costs shall be paid on or before the expiration of 30 days after the day the judgment and/or sentence is entered in writing.
- b. One-third (1/3) of the fees, fines and assessments not included in the costs of court shall be paid on or before the expiration of 60 days after the date the judgment and/or sentence is entered in writing; a like amount shall be paid on or before the expiration of 90 days after the date the judgment and/or sentence is entered in writing; and a like amount shall be paid on or

before the expiration of 120 days after the date the judgment and/or sentence is entered in writing.

- c. Restitution shall be paid in equal monthly installments of not less than \$200.00 per month beginning 150 days after the date the judgment and/or sentence is entered in writing, and a like payment due on the same day of each month thereafter until the restitution ordered is paid in full; however, the balance of the restitution must be paid in full on or before 180 days before the expiration of the period of community supervision.

r EXTENDED PAYMENT PLAN TWO

- a. One-half (1/2) of the court costs shall be paid on or before the expiration of 30 days after the day the judgment and/or sentence is entered, and the remaining one-half (1/2) of the court costs shall be paid on or before the expiration of 60 days after the day the judgment and/or sentence is entered in writing.
- b. One-third (1/3) of the fees, fines and assessments not included in the costs of court shall be paid on or before the expiration of 90 days after the date the judgment and/or sentence is entered in writing; a like amount shall be paid on or on or before the expiration of 120 days after the date the judgment and/or sentence is entered in writing; and a like amount shall be paid on or before the expiration of 150 days after the date the judgment and/or sentence is entered in writing.
- c. Restitution shall be paid in equal monthly installments of not less than \$200.00 per month beginning 180 days after the date the judgment and/or sentence is entered in writing, and a like payment due on the same day of each month thereafter until the restitution ordered is paid in full; however, the balance of the restitution must be paid in full on or before 180 days before the expiration of the period of community supervision.

IT IS FURTHER ORDERED that the defendant shall pay each month a community supervision administration fee of \$60.00 per month until the supervision of the defendant is terminated. The community supervision administration fee shall be paid to the Midland Community Supervision and Corrections Department on or before the third Monday of each month beginning on the third Monday of the month following the signing of this order or the defendant's release from confinement.

Signed the 22nd day of March, 2019.

JUDGE PRESIDING
238th DISTRICT COURT
MIDLAND COUNTY, TEXAS

CERTIFICATE OF FINGERPRINTS

I, the undersigned witness, hereby certify that on this day, I affixed the thumbprints of the defendant as appearing below on the Judgment in cause number CR51328 rendered in the 238th District Court of Midland County, Texas and witnessed the said Defendant affix his or her signature thereto.

SIGNED the 22nd day of March, 2019

SIGNATURE OF WITNESS

OFFICE OF WITNESS

I, the defendant in this cause, hereby certify that the thumbprints appearing below are my thumbprints affixed by me to the Judgment in cause number CR51328 in the 238th District Court of Midland County, Texas on the 22nd day of March, 2019

SEBASTIAN ALEXANDER ZAPATA
CAUSE NUMBER CR51328
STATE ID. NUMBER: TX17302120
BIRTH DATE: 8/27/1995

DEFENDANT'S LEFT
THUMBPRINT BELOW

DEFENDANT'S RIGHT
THUMBPRINT BELOW

NO. CR51328

THE STATE OF TEXAS

*

IN THE DISTRICT COURT

*

V.

*

238th JUDICIAL DISTRICT

*

SEBASTIAN ALEXANDER ZAPATA

*

MIDLAND COUNTY, TEXAS

**ABSTRACT OF DISPOSITION
JUDGMENT OF CONVICTION AND
GRANTING COMMUNITY SUPERVISION**

The defendant in the above entitled and numbered cause was convicted of the felony offense of **ONLINE SOLICITATION OF A MINOR UNDER 14** by a Jury and the punishment of the defendant was assessed by a Jury at **TEN (10) YEARS** in the Institutional Division of the Texas Department of Criminal Justice suspended on community supervision and a fine in the amount of **\$10,000.00**.

On the 22nd day of March, 2019 the Court suspended imposition of sentence and placed the defendant on community supervision for a period of **FIVE (5) YEARS** and assessed the defendant , **FOURTEEN (14) DAYS** in jail as a condition of community supervision without credit for pretrial confinement and without credit for good conduct.

SIGNED the 22nd day of March, 2019.

JUDGE PRESIDING
238th DISTRICT COURT
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**Original Signed
by Presiding Judge
238th DISTRICT COURT
MIDLAND COUNTY, TEXAS**

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**COMMITMENT TO MIDLAND COUNTY JAIL
AS A CONDITION OF COMMUNITY SUPERVISION**

WHEREAS on the 22nd day of March, 2019, the Court assessed the punishment of the above named defendant at , **FOURTEEN (14) DAYS** in jail as a condition of community supervision for the offense of **ONLINE SOLICITATION OF A MINOR UNDER 14** charged against the said defendant in this cause, **IT IS THE ORDER** of the Court that the said defendant shall serve the said jail time as follows:

(X) **CONSECUTIVELY** beginning on the date stated above.

If the said defendant shall fail to appear at the Midland County Jail as required, the Sheriff of Midland County shall so certify to the Court which shall order the Clerk of the Court to issue a **CAPIAS FOR THE ARREST** of the said defendant and upon the arrest of the said defendant, the said defendant shall then serve the balance of the jail time assessed against the said defendant **CONSECUTIVELY**.

IT IS THE ORDER of the Court that the said defendant be and is, hereby, committed to the custody to the Sheriff of Midland County, Texas who shall execute the orders of this Court by confining the said defendant in the Midland County Jail for the term above specified **without credit for pretrial or pre-revocation of community supervision confinement AND without credit for good conduct**.

Signed the 22nd day of March, 2019.

JUDGE PRESIDING
238th DISTRICT COURT
MIDLAND COUNTY, TEXAS

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IT IS THE ORDER of the Court that the said defendant be and is, hereby, committed to the custody to the Sheriff of Midland County, Texas who shall execute the orders of this Court by confining the said defendant in the Midland County Jail for the term above specified **without credit for pretrial or pre-revocation of community supervision confinement AND without credit for good conduct**.

Signed the 22nd day of March, 2019.

**Original Signed
by Presiding Judge
238th DISTRICT COURT
MIDLAND COUNTY, TEXAS**

**ABSTRACT OF UNAPPEALED CONVICTION FOR FELONY CRIME
OR FINAL CONVICTION IN AN APPEALED CASE**

**FROM
DISTRICT CLERK
MIDLAND COUNTY, TEXAS**

CERTIFICATE

I, the undersigned Clerk of the Court, having jurisdiction of the trial of felony crimes for MIDLAND COUNTY, TEXAS do hereby certify that the following person was convicted of the felony offense of **ONLINE SOLICITATION OF A MINOR UNDER 14** under the laws of this State in the 238th District Court of Midland County, Texas in cause number CR51328 on the 20th day of March, 2019:

Name of Felon: SEBASTIAN ALEXANDER ZAPATA

Permanent residence address:

3202 BAUMANN AV

MIDLAND, TX

Birthday: 8/27/1995

State Identification number: TX17302120

PUNISHMENT ASSESSED: TEN (10) YEARS in the Institutional Division of the Texas Department of Criminal Justice suspended on community supervision for a period of FIVE (5) YEARS.

CLERK OF THE 238th DISTRICT COURT
MIDLAND COUNTY, TEXAS

SEAL

BY: _____
DEPUTY

DATE

THE STATE OF TEXAS

*

IN THE DISTRICT COURT

*

V.

*

238th JUDICIAL DISTRICT

*

SEBASTIAN ALEXANDER ZAPATA

*

MIDLAND COUNTY, TEXAS

TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT OF APPEAL*

I certify that this criminal case:

- ☐ is not a plea-bargain case, and the defendant has the right of appeal;
- ☐ is a plea-bargain case, but matters were raised by written motion filed and ruled on before trial and not withdrawn or waived, and the defendant has the right of appeal;
- ☐ is a plea-bargain case, but the trial court has given permission to appeal, and the defendant has the right of appeal;
- ☐ is a plea-bargain case, and the defendant has NO right of appeal;
- ☐ the defendant has waived the right of appeal.

Judge

Date Signed

I have received a copy of this certification. I have also been informed of my rights concerning any appeal of this criminal case, including any right to file a *pro se* petition for discretionary review pursuant to Rule 68 of the Texas Rules of Appellate Procedure. I have been admonished that my attorney must mail a copy of the court of appeals' judgment and opinion to my last known address and that I have only 30 days in which to file a *pro se* petition for discretionary review in the Court of Criminal Appeals. TEX. R. APP. P. 68.2, 68.3. I acknowledge that, if I wish to appeal this case and if I am entitled to do so, it is my duty to inform my appellate attorney, by written communication, of any change in the address at which I am currently living or any change in my current prison unit. I understand that, because of appellate deadlines, if I fail to timely inform my appellate attorney of any change in my address, I may lose the opportunity to file a *pro se* petition for discretionary review.

SEBASTIAN ALEXANDER ZAPATA

Defendant

Mailing address: _____

Telephone number: _____

Email Address (if any): _____

ALVARO MARTINEZ

Defendant's Counsel

State Bar of Texas ID number: _____

Mailing address: _____

Telephone number: _____

Email Address: _____

* See TEX. R. APP. P. 25.2(a)(2).

NO. CR51328

THE STATE OF TEXAS

*

IN THE DISTRICT COURT

*

V.

*

238th JUDICIAL DISTRICT

*

SEBASTIAN ALEXANDER ZAPATA

*

MIDLAND COUNTY, TEXAS

TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT OF APPEAL*

I certify that this criminal case:

- ☐ is not a plea-bargain case, and the defendant has the right of appeal;
- ☐ is a plea-bargain case, but matters were raised by written motion filed and ruled on before trial and not withdrawn or waived, and the defendant has the right of appeal;
- ☐ is a plea-bargain case, but the trial court has given permission to appeal, and the defendant has the right of appeal;
- ☐ is a plea-bargain case, and the defendant has NO right of appeal;
- ☐ the defendant has waived the right of appeal.

**Original Signed
by Presiding Judge
238th DISTRICT COURT
MIDLAND COUNTY, TEXAS**

I have received a copy of this certification. I have also been informed of my rights concerning any appeal of this criminal case, including any right to file a *pro se* petition for discretionary review pursuant to Rule 68 of the Texas Rules of Appellate Procedure. I have been admonished that my attorney must mail a copy of the court of appeals' judgment and opinion to my last known address and that I have only 30 days in which to file a *pro se* petition for discretionary review in the Court of Criminal Appeals. TEX. R. APP. P. 68.2, 68.3. I acknowledge that, if I wish to appeal this case and if I am entitled to do so, it is my duty to inform my appellate attorney, by written communication, of any change in the address at which I am currently living or any change in my current prison unit. I understand that, because of appellate deadlines, if I fail to timely inform my appellate attorney of any change in my address, I may lose the opportunity to file a *pro se* petition for discretionary review.

SEBASTIAN ALEXANDER ZAPATA

Defendant

Mailing address: _____

Telephone number: _____

Email Address (if any): _____

ALVARO MARTINEZ

Defendant's Counsel

State Bar of Texas ID number: _____

Mailing address: _____

Telephone number: ____ **Email Address:** _____

* See TEX. R. APP. P. 25.2(a)(2).

NO. CR51328

THE STATE OF TEXAS

*

IN THE DISTRICT COURT

*

V.

*

238th JUDICIAL DISTRICT

*

SEBASTIAN ALEXANDER ZAPATA

*

MIDLAND COUNTY, TEXAS

ORDER APPROVING PAYMENT OF COUNSEL

The Court has determined the defendant in the above entitled and numbered cause to be indigent and without sufficient means to employ an attorney to represent him or her in the above entitled and numbered cause; and the Court appointed the below named attorney or attorneys to represent the said defendant as required by law. **IT IS THE ORDER OF THE COURT** that Midland County pay the said attorney or attorneys and the investigator the amounts stated.

SIGNED THE 22nd day of March, 2019.

JUDGE PRESIDING
238th DISTRICT COURT
MIDLAND COUNTY, TEXAS

AMOUNT OF PAYMENT

AMOUNT OF PAYMENT

ATTORNEY

ATTORNEY/INVESTIGATOR

ADDRESS

ADDRESS

CITY/STATE/ZIP

CITY/STATE/ZIP

INDIGENT DEFENSE EXPENDITURE INFORMATION:

TYPE OF CASE

**NUMBER OF CASES
COVERED BY FEE**

CAUSE NUMBERS

r Adult Felony _____

r Adult Misd _____

r Adult Felony Appeal _____

r Adult Misd Appeal _____

r No Charges Filed-Adult _____

NO. CR51328

THE STATE OF TEXAS	*	IN THE DISTRICT COURT
	*	
V.	*	238th JUDICIAL DISTRICT
	*	
SEBASTIAN ALEXANDER ZAPATA	*	MIDLAND COUNTY, TEXAS

**VERDICT OF THE JURY
TRIAL BY JURY**

On the 20th day of March, 2019, the above numbered and entitled cause was regularly reached and called for trial when came the State of Texas by her District Attorney and the Defendant in person and by the Defendant's Attorney and both parties announced ready for trial. Thereupon the Defendant in open Court pleaded Not Guilty to the charge contained in the indictment or information and a jury was duly selected, impaneled, and sworn, and after having heard the indictment or information read and the Defendant's plea of Not Guilty thereto and having heard the evidence submitted and having been duly charged by the Court, the jury retired in charge of the proper officer to consider their verdict. Thereafter the jury was brought into open Court by the proper officer, the Defendant and the Defendant's counsel being present, and in due form of law returned into open Court the following verdict which was received by the Court and is here now entered upon the minutes of the Court, to-wit: ONLINE SOLICITATION OF A MINOR UNDER 14

“We, the jury, find beyond a reasonable doubt that the Defendant, SEBASTIAN ALEXANDER ZAPATA, is guilty of the offense of ONLINE SOLICITATION OF A MINOR as charged in the indictment.”

The 20th day of March, 2019
DATE

/s/CRYSTALE GALINDO
PRESIDING JUROR

The Defendant elected to have his or her punishment assessed by the Jury, and the Jury was called back in to the box, and after hearing the evidence on the issue of punishment and after having been duly charged by the Court, the Jury retired in charge of the proper officer to consider their verdict and afterwards were brought into open court by the proper officer, the Defendant and the Defendant's counsel being present, and in due form of law returned in open Court the following verdict which was received by the Court and is here now entered upon the minutes of the Court, to-wit: TEN (10) YEARS in the Institutional Division of the Texas Department of Criminal Justice and a fine in the amount of \$10,000.00. The jury further considered whether the defendant was eligible for community supervision. After finding that the defendant was eligible for community supervision, the jury recommended that the confinement period be suspended and the

defendant be placed on community supervision.

“We, the jury, having found the Defendant, SEBASTIAN ALEXANDER ZAPATA, guilty of the offense of ONLINE SOLICITATION OF A MINOR as charged in the indictment, assess the Defendant's punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of 10 years (not less than 2 years or more than 10 years), and a fine of \$10,000.

We, the jury, further find that the Defendant has never been convicted of a felony offense in this State or in any other State, and we recommend that the court suspend the imposition of the sentence and place the Defendant on community supervision. We further recommend that the fine assessed, if any, be paid.”

The 21st day of March, 2019
DATE

/s/CRYSTALE GALINDO
PRESIDING JUROR